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REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

Report of the Secretary-General

(in pursuance of General Assembly resolution 49/36 D)

1. The present report is submitted in pursuance of General Assembly resolution 49/36 D of 9 December 1994, the operative part of which reads as follows:

"The General Assembly,

"...

"1. Calls upon Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, and in particular Security Council resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect and demanded that Israel, the occupying Power, should rescind forthwith its decisions;

"2. Also calls upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements;

"3. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

"4. Further calls upon Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against the population of the occupied Syrian Golan;

"5. Deplores the violations of the Geneva Convention by Israel;

"6. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to above;

"7. Requests the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of the present resolution."

2. On 15 May 1995, the Secretary-General addressed a note verbale to the Minister for Foreign Affairs of the State of Israel, in which he requested, in view of his reporting responsibilities under the resolution, that the Minister inform him of any steps his Government had taken or envisaged taking concerning the implementation of the relevant provisions of the resolution.

3. No reply had been received at the time of the preparation of the present report.

4. By a note verbale dated 15 May 1995, the Secretary-General also drew the attention of all States parties to the Convention to paragraph 6 of resolution 49/36 D.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in the Islamic Republic of Iran

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report submitted by Mr. Maurice Danby Copithorne (Canada), Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, in accordance with paragraph 12 of Commission on Human Rights resolution 1995/68 of 8 March 1995 and Economic and Social Council decision 1995/279 of 25 July 1995.

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ANNEX

Interim report on the situation of human rights in the Islamic Republic of Iran, submitted by the Special Representative of the Commission on Human Rights in accordance with Commission resolution 1995/68 and Economic and Social Council decision 1995/279

I. INTRODUCTION

1. On 23 December 1994, the General Assembly adopted resolution 49/202 entitled "Situation of human rights in the Islamic Republic of Iran" in which, inter alia, it decided to continue the examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups, such as the Baha'is, during its fiftieth session under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council (para. 15). The General Assembly expressed its concern at the main criticisms of the former Special Representative in his recent reports with regard to the human rights situation in the Islamic Republic of Iran (para. 3).

2. At its fifty-first session, the Commission on Human Rights decided, by its resolution 1995/68 of 8 March 1995, to extend for a further year the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984 (para. 11) and requested the Special Representative to submit an interim report to the General Assembly at its fiftieth session on the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, and to report to the Commission at its fifty-second session (para. 12). In its decision 1995/279 of 25 July 1995, the Economic and Social Council endorsed that resolution.

3. By letter dated 28 March 1995 addressed to the Chairman of the Commission on Human Rights, the former Special Representative, Professor Reynaldo Galindo Pohl (El Salvador) resigned from his functions, after serving the Commission on Human Rights for nine years. On 2 August 1995, the Chairman of the Commission appointed Professor Maurice Danby Copithorne (Canada) as Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran.

4. The Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva transmitted three communications dated 8 May, 23 May and 30 June 1995 to the Special Representative, giving replies to some of the allegations contained in the previous interim and final reports of the Special Representative (A/49/514, annex, paras. 6, 7, 27, 28, 62, 77 and 79 and E/CN.4/1995/55, paras. 20 and 36). The texts are appended to the present report.

II. PRELIMINARY REMARKS

5. The Special Representative is honoured to have been invited by the Chairman of the Commission on Human Rights to serve as Special Representative on the situation of human rights in the Islamic Republic of Iran. He accepted this invitation and as of the date of this report, has made a brief visit to the Centre for Human Rights at Geneva to begin his familiarization of the area covered by his mandate.

6. At this time, the Special Representative wishes to pay tribute to his predecessor, Professor Reynaldo Galindo Pohl, whose devoted attention over many years to this mandate has set a high standard. The Special Representative will be studying Mr. Galindo Pohl's reports with the greatest care.

7. The Special Representative will also be reviewing most closely the relevant debates and resolutions of the General Assembly, of the Commission on Human Rights and, more generally, the expectations of the Commission and the General Assembly with respect to special representatives and rapporteurs. The Special Representative will also familiarize himself generally with the contemporary environment as it may be relevant to his mandate.

8. Since Mr. Galindo Pohl's final report to the Commission on Human Rights earlier this year (E/CN.4/1995/55), a significant number of communications have been received by the Centre for Human Rights for the attention of the Special Representative. They come from the Government of the Islamic Republic of Iran (see annexes) and from non-governmental organizations, groups and individuals within and outside the Islamic Republic. These communications reflect important concerns and will need careful scrutiny.

9. Also high on the Special Representative's priority list is a visit to the Islamic Republic of Iran. In a meeting with the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva on 4 September 1995, the Special Representative made a request for such an invitation. He subsequently repeated this request by letter dated 6 September 1995. As of the date of this report, the Special Representative has not received a reply to his request for a visit.

10. At this stage, the Special Representative considers that he is not in a position to discuss questions of substance in this report. However, he expects to make a substantive report to the Commission on Human Rights at its fifty-second session and trusts that such report can include first-hand impressions and findings obtained during a visit to the Islamic Republic of Iran.

APPENDIX I

Letter dated 8 May 1995 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran

In response to your request, I have the pleasure to draw your attention to the following information received from Tehran:

(a) Hengameh Amini in a letter to Nimrouz weekly news printed in London announced that the Mojahedin Khalgh Organization members prevented her from talking to her mother by telephone. The reason she was summoned by judicial officials was due to charges made by her brother regarding possession of some antiques left by their mother (Marzieh);

(b) Nasrollah Tavakkoli was arrested on charges of insurgency against the security of the State and was released in October 1993 on bail by the relevant court;

(c) Davood Mozaffar was arrested on charges of illegal export of unauthorized goods (claimed by the Ministry of Finance and Economy). On 25 January 1995 he was found not guilty and was released;

(d) Zainab Ghovati was arrested because of involvement in armed insurgency and violation of public order in 1985 and was sentenced to life imprisonment. Later on, in January 1994, she was pardoned by the relevant officials;

(e) Zahra Falahati was brought to trial in 1982 on charges of involvement in armed insurgency against the security of the country and was sentenced to six years' imprisonment. In July 1982 she was pardoned. She was arrested again in 1988 and after thorough legal procedure was sentenced to death in June 1988;

(f) According to investigation there is no record about Mohammad Sepehr. Therefore, any allegations about him are categorically refuted;

(g) Houshang Amjadi Bigvand was arrested on charges of espionage on 19 October 1988 and after legal proceedings was sentenced to 10 years' imprisonment. He is serving his sentence in jail. He is presently undergoing medical care due to an ulcer ailment;

(h) Mohammad Ali Amouie was sentenced to life imprisonment on charges of espionage. Due to his age, he has been provided medical care outside the prison since last November;

(i) According to a report and a diagram submitted by the highway police inspectors of Hormozgan Province police district after conducting an on-site inspection of the accident on 19 July 1994, Haj Mohammad Ziaie's car was overturned from (rolled over) an approximately 45-metre-high cliff due to speeding on a sharp curve, 70 kilometres away from Bandar Lengeh in the north.

Therefore, the allegations surfaced in the Amnesty International bulletin published in London on 11 November 1994 are totally baseless and are categorically refuted. In the meantime, I would like to refer you to paragraph 47 of our response last year to the Special Rapporteur;

(j) Abbas Amir Entezaam, son of Yaghob, was arrested on charges of espionage. According to legal procedures, he was tried publicly and in the presence of the attorney and witnesses in the court. The late Bazargan, the then Prime Minister of the Provisional Government of Iran, had an active presence during his trial which was video-taped and aired by Iranian television;

(k) About Mr. Ali Akbar Saiidi Syrjani, I would like to draw your attention to the following information received from Tehran:

"Referring to letter No. 72/4838 dated 73/9/7 regarding the death cause of Ali Akbar Saiidi Syrjani subject of burial permit no. 73/5704, our comment is as follows:

With regard to the examination of the body and its autopsy and the result of pathology and negative result of toxicology, therefore, the cause of death of the aforementioned individual is determined to be from internal disease (cardiac/respiratory and expanded blood vessels' disease and its complications).

on behalf of
Dr. Hasan Toufighi
Director, Coroner's Office

Dr. Naseh"

Please accept, Sir, the assurances of my highest consideration.

(Signed) Sirous Nasseri
Ambassador
Permanent Representative

APPENDIX II

Letter dated 23 May 1995 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran

Following our reply to your report last year to the General Assembly, I would like to draw your attention to the following information about Zohreh Izadi received from the judiciary Coroner's office in Tehran:

In response to the inquiry made by the Tehran Prosecutor General Branch 17, in its letter dated 26 May 1994, regarding the case of the late Zohreh Izadi, the Medical Commission held a meeting in August 1994 with Dr. Mahmoud Amoui ID No. 24949, Dr. Seyed Rahmatulah Mir Safaie, Expert, Coroner's Office, Dr. Faramarz Godarzi, Deputy, Coroner's Office ID No. 2575 and Dr. Zareh ID No. 157/3 in the presence of Mr. Zarinkafsh, the Prosecutor General.

At the beginning, the autopsy report and negative result of the toxicology was read in the meeting. Then the penal record was reviewed and the explanations of the relatives of the deceased were heard.

At the end of the discussion among the above-mentioned experts the following responses were given to the inquiries made by the prosecutor:

(a) All the effects on the body of the deceased were caused when she was alive and none of them were caused after her death;

(b) The effects were caused because of her fall from a height; there could be no other possibilities;

(c) The fall was on the left side of the body. The effects that are visible on the right side of the body are regarded as the secondary effects of the fall;

(d) The lack of apparent dark blue spots on the body, noting the bone fractures and deep blood coagulation and internal bleeding in the chest and abdomen, do not reject that the cause of death was falling down from a height. It is very much possible in such cases that the internal injuries may cause the death while there are no visible spots or effect on the skin;

(e) Though it could not be possible to categorically determine the height, but noting the severity of the injuries it was certainly more than 5 metres;

(f) There were some minor injuries on the upper chest and neck areas, but they are far from the normal effects caused by suffocating. Since in autopsy there were no injuries on the sensitive areas of the neck and respiratory system, the probability of suffocation is rejected. Noting the shape of the injuries and their sites in the body, the probability of fighting is also rejected.

(Signed) Sirous Nasseri
Ambassador
Permanent Representative

APPENDIX III

Letter dated 10 June 1995 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran

Following the murder of the Iranian Pastors, Rev. Mickailian and Rev. Dibaj, in which the Judicial Authorities of the Islamic Republic of Iran conducted an immediate and thorough investigation to bring the perpetrators to justice, the trial of the accused, Farahnaz Anami, Batoul Vaferi Kalateh and Maryam Shahbazpoor, has been held in Tehran on Sunday, 18 June 1995.

The trial has been attended by local and foreign journalists as well as representatives from various countries. A number of witnesses, including Mr. Hamid Rezaie, the person in charge of the house agency through which the accused rented the house, the mother and sister of Farahnaz Anami, Rev. Iraj Mutahede, Pastor Dimitri Blus and his wife, have so far been questioned by the prosecutor and cross-examined by the attorneys of the accused.

The trial is expected to take some time before reaching a verdict.

(Signed) Sirous Nasseri
Ambassador
Permanent Representative

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Situation of human rights in southern Lebanon and the western Bekaa

Note by the Secretary-General

1. By its decision 1995/278 of 25 July 1995, the Economic and Social Council took note of Commission on Human Rights resolution 1995/67 of 7 March 1995 on the situation of human rights in southern Lebanon and the western Bekaa, contained in the report of the Commission. 1/ In paragraph 6 of the resolution, the Commission requested the Secretary-General (a) to bring the resolution to the attention of the Government of Israel and invite it to provide information concerning the extent of its implementation thereof, and (b) to report to the General Assembly at its fiftieth session on the results of his efforts in that regard.

2. In view of the requests formulated in paragraph 6 of the resolution, the Secretary-General, on 15 May 1995, addressed a note verbale to the Minister for Foreign Affairs of Israel.

3. No reply had been received at the time of the preparation of the present report.

Notes

1/ Official Records of the Economic and Social Council, 1995, Supplement No. 4 (E/1995/23-E/CN.4/1995/176).

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